

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN J. O'BRIEN, ET AL.

No. 12-CR-40026-FDS

RESPONSE TO COURT ORDER

Defendants, John O'Brien, William Burke, and Elizabeth Tavares respectfully respond to the Court's order to produce a list of "all potential witnesses that are past or present federal or state judges, past or present federal or state public officials, and all attorneys." [Dkt # 281.]

Defense counsel have compiled the attached list, Exhibit A, using their best efforts given the current state of discovery review and defense investigation. The list is derived from multiple sources, including the government's notice of immunized witnesses, the government's *Jencks* production of statements by its anticipated trial witnesses, various so-called "sponsor" lists of employment references for Probation candidates¹ and other documents produced by the government in discovery, as well as information developed by independent defense investigation.

The list is necessarily over-inclusive, in that defense counsel are not yet in a position to make a final assessment of relative importance among every name in the list or the ultimate likelihood that any single individual *potential* witness will be called at trial. The list and its size should not be viewed as diluting the relative significance of individuals whom the defendants have identified as likely to be called at trial and whose relationships with the Court warrant

¹ Again, to be clear, the so-called "sponsor lists" produced by the government in discovery are but one of several sources of potential witness names. The presence of an individual on the defendants' list of potential witnesses in this filing should *not* be understood *necessarily* to mean that the individual "sponsored" or otherwise recommended a candidate for employment at Probation.

recusal, including Paul Ware, Kevin Martin, and Judge Hillman. Rather, this list was compiled with what defense counsel understand to be the Court's aim of casting a wide net to identify any additional ties that could possibly trigger a recusal issue in order that the nature of any ties with the Court may be further analyzed.

In identifying "public officials," the defendants have omitted rank-and-file employees of the Probation Department and other state agencies or courts.

Finally, while defendants have endeavored to be over-inclusive within the witness categories subject to the Court's order, this filing is not a final trial witness list. Discovery review and defense investigation are ongoing. In addition, testimony and evidence introduced by the government at trial may prompt further investigation or require the addition of other witnesses to address issues that were not anticipated.

Respectfully submitted,

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by his attorneys

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 25, 2014.

/s/ William Fick

| Current and Former Judges | |
|----------------------------------|----------|
| Ball | Carol |
| Barbalunga | Alf |
| Baylor | Robert |
| Blitzman | Jay |
| Borders | Bettina |
| Botsford | Margot |
| Brennan | Robert |
| Brownell | Thomas |
| Calagione | Robert |
| Carey | Paula |
| Carpenter | Don |
| Chin | Richard |
| Coffey | James |
| Coffey | Kathleen |
| Connelly | Linda |
| Connon | Richard |
| Cordy | Robert |
| Coven | Mark |
| Crimmins | Francis |
| Cunningham | Kevan |
| Cunningham | Kevan |
| Dawley | Paul |
| DelVecchio | Suzanne |
| Donnelly | David |
| Dortch-Okara | Barbara |
| Doyle | Peter |
| Dunn | Deborah |
| Dusek-Gomez | Nancy |
| Edgerton | Mike |
| Flynn | Patricia |
| Flynn | Maurice |
| Ford | Daniel |
| Fox | Patrick |
| Gaffney | Kevin |
| Garinger | Gail |
| Garth | Lance |
| Garth | Lance |
| Giles | Linda |
| Haggerty | Jane |
| Hart | Joseph |
| Heffernan | Paul |
| Hillman | Timothy |
| Horgan | Thomas |
| Ireland | Roderick |
| Johnson | Charles |
| Johnson | Lee |

| | |
|------------|-------------------|
| Johnston | Joseph |
| Josephson | Bertha |
| Julian | John |
| Kane | Robert |
| Kilmartin | Peter |
| King | Ronald |
| Klein | Dyanne |
| LaStaiti | Elizabeth O'Neill |
| Lawton | Mark |
| Lewis | Paul |
| Locke | Jeffrey |
| LoConto | Paul |
| Losapio | Paul |
| Mahoney | Paul |
| Mandell | Andrew |
| Marshall | Margaret |
| May | Thomas |
| McCallum | Mary |
| McGuinness | James |
| Merrill | Chouteau |
| Minehan | Rosemary |
| Mori | Richard |
| Mulligan | Robert |
| Muse | Christopher |
| Nadeau | Gilbert |
| Nagle | David |
| Nickerson | Gary |
| O'Neill | James |
| Page | Tina |
| Pellegrino | Joseph |
| Pomerole | Michael |
| Quinlan | Regina |
| Reardon | Joseph |
| Redd | Edward |
| Reynolds | Edward |
| Ross | David |
| Rufo | Robert |
| Ruma | Santo |
| Ryan | Michael |
| Sabaitis | Catherine |
| Sanchez | Jose |
| Savignano | Richard |
| Scandurra | Robert |
| Smoot | John |
| Spina | Francis |
| Sragow | Roanne |
| Waickowski | Paul |

| | |
|---------------------------------------|-----------|
| Walker | Neil |
| Welsh | Robert |
| Williams | Gregory |
| | |
| | |
| Current and Former Legislators | |
| Alicea | Geraldo |
| Baddour | Steve |
| Birmingham | Tom |
| Bradley | Garrett |
| Brewer | Steven |
| Brown | Scott |
| Buoniconti | Stephen |
| Cahill | Tim |
| Capuano | Michael |
| Chandler | Harriette |
| Costello | Mike |
| Creedon | Bob |
| Delahunt | Bill |
| DeLeo | Bob |
| DiMasi | Sal |
| Fennell | Robert |
| Finneran | Tom |
| frank | Barney |
| Glodis | Guy |
| Gobi | Ann |
| Haddad | Patricia |
| Haley | Paul |
| Hart | Jack |
| Hillman | Reed |
| Honan | Kevin |
| Keating | Bill |
| Knapik | Mike |
| Leary | James |
| Lees | Brian |
| Linsky | David |
| Lynch | Stephen |
| Markey | Edward |
| McGee | Thomas |
| McGovern | Jim |
| Menard | Joan |
| Montigny | Mark |
| Moran | Michael |
| Morrissey | Mike |
| Murphy | Charles |
| Murray | Therese |
| Nangle | David |

| | |
|---|---------|
| Naughton | Harold |
| Neal | Richard |
| O'Day | James |
| O'Flaherty | Gene |
| Pacheco | Marc |
| Panagiotakos | Steve |
| Parente | Marie |
| Peak | Sarah |
| Pedone | Vincent |
| Petrolati | Tom |
| Rice | Robert |
| Rogers | John |
| Rosenberg | Stanley |
| Rush | Mike |
| Rushing | Byron |
| Tierney | John |
| Tisei | Richard |
| Tobin | Steve |
| Travaglini | Bob |
| Walsh | Marion |
| Walsh | Steve |
| Walsh | Martin |
| Weld | William |
| | |
| Current and Former Law Enforcement Officials | |
| Ashe | Mike |
| Bellotti | Mike |
| Bennett | Bill |
| Blodgett | John |
| Capeless | David |
| Coakley | Martha |
| Conley | Daniel |
| Cousins | Frank |
| Cummings | James |
| Early | Joe |
| Flynn | Mike |
| Garvey | Bob |
| Harshbarger | Scott |
| Massamiano | Carmen |
| McCormack | Mike |
| McDonald | Fred |
| O'Keefe | Mike |
| Sullivan | Mike |
| Walsh | Paul |
| | |
| Attorneys | |
| Kennedy | William |

| | |
|----------|---------|
| Lewin | Leonard |
| Martin | Kevin |
| Sicuso | Anthony |
| Sullivan | Daniel |
| Toscano | Daniel |
| Ware | Paul |